

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 12 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANICETO VEGA-BEJAR, JR.,

Defendant - Appellant.

No. 04-30125

D.C. No. CR-03-00173-1-BLW

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, District Judge, Presiding

Submitted December 5, 2005 ^{**}

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

Defendant Aniceto Vega-Bejar, Jr., appeals his sentence following his guilty plea conviction for illegal re-entry in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We remand to the sentencing court to proceed pursuant to *United States v. Ameline*, 409 F.3d 1073, 1078 (9th Cir. 2005) (en banc). *See United States v. Booker*, 125 S. Ct. 738, 755-56 (2005).

REMANDED.